

# 1 PAPERWORK REDUCTION ACT SUBMISSION

## Supporting Statement

**Agency:** U.S. Department of Justice  
Civil Rights Division  
Disability Rights Section

**Title:** Nondiscrimination on the Basis of Disability in State and Local Government Services (Self-Evaluation)

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### A. Justification

- 1. Circumstances Of Information Collection:** Pursuant to title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations, 28 C.F.R. part 35, a “public entity,” as defined in 28 C.F.R. § 35.104, is required to evaluate its current services, policies, and practices for compliance with the ADA. Under certain circumstances, such entities must also maintain the results of such self-evaluation on file for public review.
- 2. Purpose And Use Of Information:** The information will be used (i) by public entities to evaluate their current services, policies, and practices in order to determine whether such services, policies, and practices are in compliance with the ADA or whether they require modification to be in compliance and (ii) by the general public to evaluate the state of a public entity’s compliance with the ADA.
- 3. Use Of Information Technology:** The requirements outlined in 28 C.F.R. § 35.105 are the most efficient means of self-evaluation and recordkeeping. No electronic collection techniques are required.
- 4. Efforts To Identify Duplication:** Similar information has not been collected. ADA’s regulations provide that a public entity which has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, is only required to evaluate those policies and practices that were not included in the previous self-evaluation. Therefore, there is no duplication of the self-evaluation or related recordkeeping requirement.
- 5. Involvement Of Small Entities:** This collection of information does not impact small businesses or other small entities.
- 6. Consequences If Information Collection Is Not Conducted Or Is Collected Less Frequently:** If the information collected in the process of self-evaluation were not collected, public entities would not be able to determine whether their services, policies, and practices were in compliance with the ADA and would,

therefore, be unable to remedy instances of non-compliance. The failure to make appropriate modifications may lead to otherwise unnecessary complaints and litigation by individuals protected by the ADA.

7. **Explanation of Special Circumstances:** None of the listed special circumstances are applicable to this information collection.
8. **Consultations Outside The Agency:** The Department has published a notice in the Federal Register on March 2, 2010 at 75 Fed. Reg. 9432, allowing for a 60-day comment period. No comments have been received to date.
9. **Payment To Respondents:** The Department does not provide payments or gifts to respondents in exchange for a benefit sought.
10. **Assurance Of Confidentiality:** There is no assurance of confidentiality.
11. **Questions Of A Sensitive Nature:** This section is not applicable. This collection does not request information that is sensitive in nature.
12. **Estimates Of Hour Burden:**

a.	Number of respondents	10
b.	Number of responses per each respondent	1
c.	Total annual responses	10
d.	Number of hours per response	<u>6 hours</u>
e.	Total annual reporting burden	60 hours
13. **Estimate Of Annualized Cost Burden To Respondents:** The cost to public entities is estimated at \$10 per hour times 60 burden hours, for a total burden cost of \$600.
14. **Estimate Of Annualized Cost To The Federal Government:** This recordkeeping requirement imposes no cost on the Federal government.
15. **Changes In Burden:** This is an extension of a previously approved information collection whose OMB approval will expire on May 31, 2010. The decrease in total annual reporting burden in Item 12 and the decrease in total cost to respondents in Item 13 are due to the decrease in the estimated number of respondents.
16. **Time Schedule, Publication And Analysis Plans:** The Department does not intend to use statistics or the publication thereof for this collection of information.
17. **Display of Expiration Date:** This section is not applicable.

**18. Exceptions to Certification Statement:** The Department does not request an exception to the certification of this information collection.

**B. Collection Of Information Employing Statistical Methods**

This section is not applicable.